HEARINGS

BEFORE THE

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

OF THE

U.S. HOUSE OF REPRESENTATIVES

ON

THE BILLS RELATING TO SAFETY APPLIANCES AND ACCIDENTS

WASHINGTON
GOVERNMENT PRINTING OFFICE
1908

SAFETY APPLIANCES.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Thursday, March 19, 1908.

The committee met at 10.30 o'clock a. m.

Present: Representatives Hepburn (chairman), Mann, Lovering, Esch, Kennedy, Knowland, Hubbard, Adamson, Ryan, Richardson, and Russell.

Present, also, Hon. Sam Bronson Cooper, Representative from Texas; Edward A. Moseley, secretary of the Interstate Commerce Commission; H. R. Fuller, esq.; Frank M. Cassidy, esq., and others.

The CHAIRMAN. The committee will be in order. The special order is a number of bills (sixteen, I believe) relating to safety appliances and the prevention of accidents.

Mr. ESCH. Mr. Chairman, I should like to state, with reference to the bills introduced by myself on this list for to-day's consideration, that as to No. 4804, requiring accident reports, action has already been taken by the committee. As to No. 6158, relative to the block-signal system, I do not care to urge action on it at this session in view of the fact that two members of the block-signal and train-control board are now in Europe making an investigation, and a final report, therefore, will not be made by that board for some time to come. They are also engaged in making some experiments.

Mr. MANN. On the ground?

Mr. ESCH. Yes.

As to 15854, requiring the strengthening of passenger cars, I shall not urge action.

HOUSE BILL 17051.

STATEMENT OF E. A. MOSELEY, ESQ., SECRETARY OF THE INTERSTATE COMMERCE COMMISSION.

Mr. MOSELEY. I shall only take a moment or two of the time of the committee.

Regarding House bill 17051, and another bill of the same character introduced by Mr. Cooper, I will say that so far as I am personally concerned I am most heartily in sympathy with the object to be attained. The Interstate Commerce Commission in their last annual report (the Twenty-first Annual Report), speaking of this matter, said:

> The safety-appliance law should be amended so as to cover all appliances included in the master car builders' standards for the protection of trainmen. The Commission has long recognized these standards as proper and has endeavored to secure their enforcement. They cover generally sill steps, ladders,

roof hand holds, and running boards. These appliances are necessary for the safety of employees, and it is important that they be kept in first-class condition. The Commission's inspectors take note of the condition of these appliances and report upon them; but as there is no penalty attached to their use in a defective condition, they are not always repaired when attention is called to them, whereas the defects covered by the law are, in most instances, promptly repaired.

Knowing, Mr. Chairman, the pressure of time upon this committee, I have prepared a statement in regard to this matter. It will take, perhaps, too long to have me read it; and I will ask, therefore, if the hearings of the committee are to be printed, that that statement may be printed. That will give an opportunity for the members, at their leisure, to read it. I do want, however, to call attention to one thing. That is, as showing the beneficent results which may be accomplished by legislation of this character, the following figures with regard to the operation of the coupler law may be stated:

In 1893 there were 310 trainmen killed and 8,753 injured in coupling and uncoupling cars, while in 1906 the number of trainmen killed in this service was 266 and the number injured 3,590. The number of trainmen employed in 1893 was 179,636; the number employed in 1906 was 285,556. Had the ratio of casualties due to coupling and uncoupling cars been maintained as it existed in 1893, the number of trainmen killed in 1906 would have been 493, and the number injured would have been 13,914. The ratio of deaths and injuries to trainmen through coupling and uncoupling cars to the total accidents to trainmen in 1893 was 44.33 per cent, while in 1906 this ratio was but 10.34 per cent—a decrease of practically 34 per cent.

When such beneficent results can be shown from the operation of a law of this character, surely there should be no hesitation in broadening its provisions to the fullest possible extent.

I will only supplement my remarks here by calling your attention, gentlemen, to the fact that the number of casualties to railroad employees is constantly on the increase. The number of men that are killed and injured is appalling. I have shown the beneficial results of the action which came from this committee in passing the safety-appliance laws; and if to that is added these other requirements, we can look for still further gratifying results. I therefore wish to urge upon the committee, as far as I properly can, legislation in this direction.

The bill introduced by Mr. Watson has apparently been hurriedly drawn. The friends of this legislation have had little opportunity to confer with him in regard to it. In the hope that either the Watson bill or Mr. Cooper's bill or a bill looking to the same general results may meet the approbation of all concerned, I would ask that the matter of final action by this committee be deferred for a few days, until the friends of the legislation can thoroughly study the measures and bring in a bill which will cover what Mr. Watson desires by his measure to accomplish.

The CHAIRMAN. What is the Master Car Builders' Association doing in this behalf?

Mr. MOSELEY. The master car builders have for a number of years established a set of rules which they agree to follow in regard to the size of axles and everything in relation to the building of a car, with an idea of uniformity and strength. Among other rules which they

have established are the rules in relation to the protection of trainmen. There would be very little necessity for any legislation in regard to this matter if they observed their own rules. But, for instance, they agree that the location upon a car of the hand hold shall be, say, 28 inches above the center line of coupler. The master car builder of one road goes home, and he is a tall man, and he thinks that he had better put it up to 34 inches. Another one, who is very short, says, "28 inches is rather unhandy for me, and I will put it down." The result is that they do not comply with their own regulations. Then, again, there is no requirement, after they put them on, that they will keep them in repair; and it is just as dangerous to a man in the night to get down between two cars on a ladder and find one of the rounds gone as it is to go in between the cars and undertake to couple them as he formerly had to do.

Mr. ESCH. This change, or this requirement, would be comparatively inexpensive compared with couplings and air brakes?

Mr. MOSELEY. I might safely state that it would not cost the railroads but few dollars; it will only force them to carry out their own agreed action for the safety of train men. There are a few little particulars which they have not dealt with. For instance, the master car builders do not deal with the matter of locomotives in yards; and there ought to be secure footboards on them. You have seen men have to ride on the engine; some of them have to climb anywhere on the locomotive or tender; and there ought to be secure footboards. There are two or three other slight particulars which would not cost anything and which should be provided for. But the Commission are disturbed, as all of you must be who are thinking of the matter, over this enormous loss of life in the operation of our railroads. If we can cut it down, as you have done so wonderfully well by your legislation in regard to those matters which you did deal with—that is, the air brakes, the coupler, and the height of drawbar—you will confer a boon upon the railroad men of the country.

The CHAIRMAN. Have the master car builders established a uniformity of equipment with regard to ladders?

Mr. MOSELEY. Yes. There is, however, a question there; and that is a question to which there are two answers. In other words, in one part of the country the train men themselves and the railroads put their ladders between the cars at the ends, owing to the congested state of the tracks. The tracks are so near together that the men do not like to have their ladders on the outside of the cars. In the western country, where there is more acreage to deal with, they prefer them on the side. So there is a difference among the master car builders, which is a difference of opinion, as to the best location, depending entirely on where the master car builder is employed.

Mr. MANN. It is one of the wonders of my life to know why that was done. I never knew before.

Mr. MOSELEY. Why, take the case of narrow tracks. If a poor devil gets up on a ladder, perhaps the car is going by a telegraph pole, or another car that has something projecting from it, and he can hardly escape injury. There is hardly room for a man between the two tracks; so if there is another car on the other track, and it is a pretty wide car, or is heavily loaded, or there is something on it that sticks out a little, the poor fellow is swept off and killed. But that does not pertain to that part of the country where there is plenty of yard

room. There they do not put their tracks so close together. They have plenty of room for them.

Mr. LOVERING. Is there any distance prescribed between the two tracks?

Mr. MOSELEY. Not by law. It is left solely to the judgment of the railroads.

Mr. MANN. Mr. Moseley, the law now requires, does it not, that they shall have these grab irons and hand holds?

Mr. MOSELEY. They shall have the grab irons and the hand holds. That is required. It is very necessary.

Mr. MANN. But the law does not provide as to the standards?

Mr. MOSELEY. No; nor where to put them, nor what the size shall be, nor anything about it.

Mr. MANN. That is now a matter of regulation by the Master Car Builders' Association?

Mr. MOSELEY. That is a matter of regulation by the Master Car Builders' Association; and those who live up to that which they have agreed to do put them where they have agreed to put them.

Mr. MANN. Are practically all of the railroads represented in the Master Car Builders' Association?

Mr. MOSELEY. Almost every railroad in the United States.

Mr. MANN. Does it include car-building companies in addition to railroad companies?

Mr. MOSELEY. Yes; the car builders belong to it.

Mr. MANN. Have they printed standards?

Mr. MOSELEY. Yes; I am going to send them to you.

Mr. MANN. Are they subject to change often?

Mr. MOSELEY. It takes a long time to change them, because they vote on them by letter ballot, after submitting them to a committee. It takes, I think, about three years.

Mr. MANN. Is there any reason for changing them often?

Mr. MOSELEY. No reason at all.

Mr. MANN. Suppose we should enact those standards or regulations into law?

Mr. MOSELEY. That is the way to do it, if you will pardon me.

Mr. MANN. And suppose we possibly provide that after a hearing the Interstate Commerce Commission shall have authority to change the standards?

Mr. MOSELEY. That might be done, Mr. Mann. I, as you know, have been in the Government service for twenty years——

Mr. MANN. I hope you will be for twenty years more.

Mr. MOSELEY. Well, I shall wear out, with what we have to do down there, before that. We are having a great deal to do at the Interstate Commerce Commission. But, Mr. Mann, that is the ideal legislation; and what I personally want, and what I hope to have done, is to have the standards prescribed by law. I do not want the Interstate Commerce Commission to have anything more to do with it than necessary. Let us have a law which is specific, if we can. The railroads are not going seriously to object to it, I am sure.

Mr. MANN. If the railroads have already fixexd the standards, and those standards are agreeable to everybody, and would be all right if they were lived up to, and they are not likely to be changed for months, would it not be a simple matter to enact them into legislation?

Mr. MOSELEY. I thank you for the suggestion, sir; I think the fact——

Mr. MANN. You need not thank me for the suggestion; you made the suggestion to me.

Mr. MOSELEY. Did I? Well, Mr. Mann, you have a wonderful way of putting your ideas into such grand form that I did not recognize my own work.

Mr. ADAMSON. If they are going to do it anyhow, what is the use of putting it into the law?

Mr. ESCH. The trouble is that they have the regulations and standards, but there is no requirement that they shall live up to the standards; and they do not do it.

Mr. MOSELEY. Nor is there any requirement that after they have put these appliances on they shall keep them in repair.

Mr. MANN. Can you not send to us memoranda showing this matter of standards in such shape that we can put it into the record?

Mr. MOSELEY. Yes; certainly, sir.

Mr. MOSELEY. How soon could the railroads, without undue inconvenience, comply with such standards as are fixed now?

Mr. MOSELEY. I think by the 1st of next January without any trouble. They might do it in a month or two months.

Mr. MANN. They could not get up the cars in two months.

Mr. MOSELEY. No; I mean by that that they have means whereby, if a foreign car is on another road's tracks they agree what they shall receive for putting these things on the foreign cars. It is all settled now what they will pay for the work.

Mr. MANN. Yes; but there are so many cars now on sidetracks.

Mr. MOSELEY. That is another idea of yours, sir. It is a grand time to do this, because if there are any of them that need fixing up we have an unusual opportunity to have it done now.

Mr. ADAMSON. I understand that your idea about those regulations is that they can make good enough regulations, but they can not keep their own as well as they can those fixed by the Government?

Mr. MOSELEY. No; when the Government puts its hand on the subject they are apt to comply with its requirements.

Mr. ADAMSON. When there is a penalty fixed, it amounts to something?

Mr. MOSELEY. Yes.

Mr. ADAMSON. There is no penalty fixed now by the Master Car Builders' Association, even among themselves, is there?

Mr. MOSELEY. There is nothing at all—nothing.

Mr. ESCH. It is a mere voluntary association?

Mr. MOSELEY. It is a voluntary association. I have gone to them every year for years and urged the Government adopting the master car builders' standards.

Mr. MANN. It is a very valuable association, is it not?

Mr. MOSELEY. Most valuable; and they deserve the highest degree of credit, because they have, as the result of their actions, saved thousands of men to this country. It is a wonderfully good association. It takes years for them to change any standard, because they do everything so wisely and deliberately.

Mr. MANN. As I understand, the distinction between the Watson bill and the Cooper bill is that the Watson bill leaves it to the Master Car Builders' Association, and the Cooper bill leaves it to the Interstate Commerce Commission?

Mr. MOSELEY. Yes. I want to say, if I may, that the more I think of it the more convinced I am that the best thing, in view of the fact that these standards are never changed or hardly ever changed—I do not know that they have ever been changed except to improve them somewhat—is for Congress to legislate and fix them.

Mr. MANN. If it is in the law, everybody sees it?

Mr. MOSELEY. That is it exactly—anybody can then get the law and then find everything in it.

Mr. MANN. If it is in a regulation or rule, everybody does not get at it.

Mr. MOSELEY. Then there is one other thing, if you will pardon me, and that is this: The question comes up how far you should delegate legislative authority when you leave the Commission the right to fix these things.

Mr. MANN. I understand—how far we can fine a man for violating a rule of the Interstate Commerce Commission?

Mr. MOSELEY. I should rather have Congress directly act.

Mr. KENNEDY. Which is the best place for those ladders? Suppose the tracks were wide enough apart, would there be any advantage in having the ladder on the outside of the car?

Mr. MOSELEY. I think there would; but though I have talked now for several years on the subject, I should want to talk with other men a little more fully about it.

Mr. MANN. That would be largely a matter of prejudice. When I was a boy I switched cars with ladders on the outside; and it has always been inconvenient for me to jump on a car with a ladder on the end of a car, because I learned the other way.

Mr. MOSELEY. But you will find that the switchmen in some yards want it in one place, others in another.

I thank you.

(The written statement submitted by Mr. Moseley is as follows:)

In its Twenty-first Annual Report the Interstate Commerce Commission recommended the amendment of the safety-appliance law so as to cover the matters which Mr. Watson has embodied in this bill, using the following language:

> The safety-appliance law should be amended so as to cover all appliances included in the master car builders' standards for the protection of trainmen. The Commission has long recognized these standards as proper, and has endeavored to secure their enforcement. They cover generally sill steps, ladders, roof hand holds, and running boards. These appliances are necessary for the safety of employees, and it is important that they be kept in first-class condition. The Commission's inspectors take note of the condition of these appliances and report upon them, but as there is no penalty attached to their use in a defective condition they are not always repaired when attention is called to them, whereas the defects covered by the law are, in most cases, promptly repaired.

The safety-appliance law deals with the height of drawbars, the operation of trains with air brakes, the equipment of cars with grab irons on the sides and ends, and the use of automatic couplers, which obviate the necessity for men to go between the cars to couple or uncouple them. This law has proved of immense value, and has resulted in a great saving of human life. It is, however, a matter of serious concern that the number of deaths and injuries among employees upon railroads, especially those engaged in train service, is steadily increasing. While there has been a great reduction in the number of

casualties so far as concerns those particulars which the law deals with, it is a lamentable fact that there is a constantly increasing number of casualties due to causes over which the law has no control. Experience gained with safety-appliance law proves that it is possible to protect the lives of railway employees by legislation of this character, and it is the purpose of this bill to throw additional safeguards around the men engaged in this hazardous employment.

The bill covers classes of equipment which are already included in the master car builders' standards for the protection of trainmen, and the Commission's inspectors already make report of the defective condition of running boards, ladders, sill steps, and roof hand holds, but, as the law in its present shape provides no penalty for the use of these appliances while in a defective condition, the Commission has no power to compel the roads to make the necessary repairs, the result being that while close attention is paid to the coupler and air-brake equipment of cars and to the proper equipment of cars with secure hand holds on the sides and ends, it is often the case that ladders, sill steps, running boards, and roof hand holds are permitted to run in a dangerously defective condition, and the lives of employees are thereby jeopardized.

Again, a law of this character is needed in order that uniformity in the equipment of cars may be maintained. Under present conditions, while the master car builders' standards provide rules for the proper application and location of these various devices, there is no penalty attached to nonobservance of these rules. As a consequence, individual members of the association prefer to follow their own ideas with regard to the application of these appliances to cars rather than to comply with the rules which perhaps they themselves have assented to in the association's conventions.

It is of the highest importance that uniformity in the equipment of cars with all safety appliances should be maintained. Trainmen and switchmen work under high pressure in the handling of cars, especially in yards where trains are made up. They are required to be ever on the alert, and in switching cars have no time to examine the character of the safety appliances connected therewith, so as to determine whether or not they are in a proper condition of repair or properly located. They are required to work in the darkness of night and under all conditions of weather, and when it becomes necessary for them to use any one of these appliances it is of the highest importance that they should know that they will find such appliance in proper condition and in the same location on the car as they would expect to find it on any other car of the same class. They are entitled to this assurance to the fullest extent that human care and ingenuity can grant it, and such assurance can only be given through legislation such as is proposed by this bill. The Government must step in and say to the railroads, as it has already said with regard to automatic couplers and air brakes, " You must equip your cars with safe and secure ladders, sill steps, running boards, roof hand holds, and hand brakes, and the location of these appliances must be uniform on all cars, so that men may know just exactly where they can expect to find them."

There would be no necessity for legislation covering the location of these different appliances did the railroads carry out their own agreements in regard to them, and as was the case with automatic

couplers when this safety-appliance legislation was first proposed in Congress, the present bill merely proposes to legalize standards and rules which the railroads themselves have already recognized as right and proper and which the mechanical officers of those roads have agreed to as the result of long experience and practice. It is respectfully urged that it is the duty of Congress to bring about the uniformity which is so desirable and to take all steps necessary to save the lives of these men.

There is a strong public sentiment in favor of legislation for the protection of passengers upon railways. It is urged that the railroads should be compelled to employ more effective safeguards to prevent loss of life through collisions and derailments. Any argument to this end applies with much greater force to legislation for the protection of employees. In the year 1906, 3,929 railway employees were killed and 76,701 injured, while of passengers 359 were killed and 10,764 injured. Out of every 387 men employed on the railways of the United States in 1906, 1 was killed, and out of every 20 employed 1 was injured, more or less seriously.

When we consider only the class of trainmen the figures are still more appalling. Of this class 1 man was killed for 124 employed and 1 injured for 8 employed. Their occupation is so hazardous that they are unable to procure insurance in any of the old-line companies, except at rates that are practically prohibitive, while most of the companies absolutely refuse to accept such risks under any consideration. Certain of the companies will write five, ten, and fifteen year endowment policies for switchmen at premiums based upon a twenty-year advance in age. Thus, for instance, a man 25 years of age who is engaged in this service may obtain a policy by paying the 45-year premium rate. Inasmuch as insurance-premium rates are based upon broad observation and are always the result of careful and accurate consideration, this fact is vastly significant. It means that the man who embraces the occupation of a railroad switchman thereby at once cuts twenty years off his reasonable expectancy of life. Is it not therefore incumbent upon the Government to place all possible safeguards around these men?

Being denied the benefits of ordinary insurance, railroad employees have been compelled to establish and maintain insurance societies of their own. These societies are never called upon to pay death claims as a result of old age. Their payments, however, on account of railroad accidents are surprisingly large and in most of the organizations represent a major portion of the total claims paid. In the year 1906 the Brotherhood of Railroad Trainmen, with a membership of 82,937, composed of conductors, brakemen, switchmen, and baggagemen, paid 1,350 claims, amounting to a total of $1,671,548.96. More than two-thirds of these claims, or 927 of the whole number, representing a cash total of considerably more than $1,000,000, were paid as a result of deaths and disabilities caused by railroad accidents. During the year ending June 30, 1907, the Brotherhood of Locomotive Firemen and Enginemen, with a membership of about 63,000 engineers and firemen, paid 663 death and disability claims, amounting to $947,100. More than 51 per cent of these claims, or 340 of the whole number, representing a cash payment of $489,500, were paid on account of deaths and disabilities caused by railroad accidents. The Switchmen's Union of North America is a compara-

tively small organization, with membership confined to switchmen employed in railroad yard service. Last year this organization paid 179 death and disability claims. Three-fourths of these claims, or 128 of the whole number, were paid for deaths or disabilities incurred by members while in the ordinary discharge of their vocation.

As showing beneficent results which may be accomplished by legislation of this character, the following figures with regard to the operation of the coupler law may be stated:

In 1893 there were 310 train men killed and 8,753 injured in coupling and uncoupling cars, while in 1906 the number of train men killed in this service was 266 and the number injured 3,590. The number of train men employed in 1893 was 179,636; the number employed in 1906 was 285,556. Had the ratio of casualties due to coupling and uncoupling cars been maintained as it existed in 1893, the number of train men killed in 1906 would have been 493, and the number injured would have been 13,914. The ratio of deaths and injuries to train men through coupling and uncoupling cars to the total accidents to train men in 1893 was 44.33 per cent, while in 1906 this ratio was but 10.34 per cent, a decrease of practically 34 per cent.

When such beneficent results can be shown from the operation of a law of this character, surely there should be no hesitation in broadening its provisions to the fullest possible extent.

STATEMENT OF HON. SAM BRONSON COOPER, REPRESENTATIVE FROM TEXAS.

The CHAIRMAN. Mr. Cooper, will you speak to your bill or any of the others?

Mr. COOPER. Mr. Chairman and gentlemen of the committee, I appear before you rather out of a sense of duty than a hope of enlightening you upon this measure.

Mr. MANN. I think you can enlighten anybody on any subject, Mr. Cooper.

Mr. COOPER. It has been my observation, though, that those who know the least about anything assert with the most earnestness their belief in it. As far as mechanical appliances are concerned—railroad devices and machinery connected therewith—I yield the palm to no one in ignorance about them. This bill was introduced at the instance of constituents of mine who are laborers and employees upon the railroads. One constituent, who is the inventor of a safety ladder, has been very anxious about it; and no doubt he thinks that if this bill should become a law the Interstate Commerce Commission or the power that adopts these devices or appliances might select his.

I intended to bring before you a list of persons injured upon the railroads, showing how they were injured. I have not done this, because I corresponded with parties especially in interest about this matter who had more information than I did, and I expected them to furnish it to me. I have in my office the report of the railroad commission.

Mr. MANN. The accident bulletin, do you mean?

Mr. COOPER. The accident bulletin from the Interstate Commerce Commission, and also the report from the railroad commission of Texas respecting accidents there; but I have not collated them and

gathered them together so that they would be of any information to you. I am told—I do not state this authoritatively, because I have not made the examination—that more accidents result from defective ladders and sills than from any other appliances connected with the railroad. I do not know that to be true, but I am going to ask the committee to permit me, later on, to ascertain the facts and file an argument in behalf of this measure upon those lines.

Respecting the safety ladder, I have here an argument that might to some extent be of some information to you. Unless you want it read I will not read it, but will file it and make it a part of the statement that I make before this committee. The writer, a constituent of mine, says:

In presenting this argument in behalf of the safe and serviceable ladder and sill-step bill, will say, by way of introduction, that the ladder and grab-iron proposition has never been improved upon. We have the same old style wooden ladder and old style grab irons and hand holds that were used at the beginning of car construction.

Those ladders and grab irons were lagged on cars with lag screws. This method was adopted by all railroads of the country, and was kept up until a short time (five or six years) back. The loss of life and limb, on account of these defective ladders and grab irons, the defections in same being due to the manner in which they were applied (lagged on with lag screws, as has been stated), was so great that the railway companies began to try to improve the ladders and grab irons.

In making the improvement they decided to do away with the lag screw, and bolt all ladders and grab irons to cars, instead of lagging them. This improvement seemed, for a short time, to give satisfaction; but time has proved that the bolt is no better than the lag screw. Now, the question is asked, why? Because most wooden cars are buil of green timper, and the shrinkage in the timber causes the grab irons or hand holds to get loose. When once loose, the continual movement of the car causes the grab irons or hand holds to work the nuts off the bolts, or its continual working up and down on the bolt causes the bolt to become crystallized. When the bolts are in this condition, if a trainman attempts to use the hand holds, they give way and let him fall to the ground. Nine times out of ten, he is either killed or injured for life by the fall. So, it can be plainly seen that the ladder and grab iron proposition is no better to-day than it was when the first car was built.

The question is asked, What shall we do; how can this weak point be overcome and improved upon so as to get a safe and serviceable ladder? The answer is this: Make a metal ladder frame with pockets or sockets, in which apply the grab irons or hand holds, putting a rivet through each pocket or socket just above the grab iron or hand hold. Then bolt this metal frame, with its attached grab irons, to the car, putting 8 bolts to each ladder with a spring on each bolt. The spring will take up all slack motion caused by shrinkage. You will then have a ladder that is tight to the car at all times and a ladder that is always absolutely safe. The top grab iron—I mean the roof grab iron—is then as tight and safe as the bottom one. No man can fall from this metal ladder on account of hand holds giving away, because for them to give way would necessitate all the bolts to break at once, which would be impossible. When a man ascends this metal ladder his whole weight is on all the bolts the same; not so with the old style, in which the entire weight is upon only one or two bolts or lag screws.

This new ladder can be applied to cars complete for $5 or $6 per car. All interstate inspectors that have seen it favor this ladder. There are only a few in use, but they give perfect satisfaction.

Mr. MANN. Is that a patented ladder?

Mr. COOPER. This man has a patented ladder, and no doubt he is arguing from the standpoint of his ladder; and he no doubt hopes that if Congress should require the railroads to adopt these appliances they might adopt his invention or device.

Mr. ADAMSON. Of course there is no reason why his should not be adopted if he has a good thing, whether he is a constituent of yours or not.

Mr. COOPER. Gentlemen, I can not enlighten you upon this matter; I simply speak of it in this way and am much obliged to you for your courtesy. Later on I may give you figures and facts that may be of some service to the committee. I will gladly do so if I can gather them together.

I thank you.

The CHAIRMAN. Mr. Fuller, I think you can throw some light upon this matter.

Mr. RYAN. Mr. Chairman, Mr. Cassidy, from Buffalo, is here to advocate House bill 13477, introduced by my colleague, Colonel Alexander. What he has to say is along the same lines, in favor of something; and perhaps Mr. Fuller would rather wait until he has heard his presentation.

The CHAIRMAN. Mr. Cassidy, we shall be glad to hear you.

HOUSE BILL 13477.

STATEMENT OF FRANK M. CASSIDY, ESQ., OF BUFFALO, N. Y., EDITOR AND MANAGER OF THE JOURNAL OF THE SWITCHMEN'S UNION OF NORTH AMERICA.

Mr. CASSIDY. Mr. Chairman and gentlemen, this bill, No. 13477, has been introduced in this Congress at my request. I have prepared a paper which, with your kind indulgence, I will read. It embraces the arguments on behalf of the passage of this measure.

The CHAIRMAN. How long is that document?

Mr. CASSIDY. It will take thirty minutes to read it.

The CHAIRMAN. Would you not be willing to simply file it, and then discuss the matter in the way of suggestions, and probably questions and answers?

Mr. CASSIDY. The argument in behalf of this bill is contained in this paper; and if we are to enter into a desultory argument, I do not know that what I desire would be brought out. Possibly there is no one in opposition to the bill that would put the interrogatories so that I might make a reply.

The CHAIRMAN. I do not think there is anybody in opposition to the general features of these bills; the only question is as to what is the best thing to do. But proceed; go on in your own way. I think you can assume that the general purpose of these bills meets the approval of this committee.

Mr. CASSIDY. Yes, sir.

Gentlemen, permit me to take advantage of this opportunity to acknowledge my positive indebtedness to you for this privilege of appearing before your honorable committee, and if you will grant me your indulgence I will speak as briefly as possible in behalf of a measure that has been introduced in this Congress and referred to this honorable committee.

The bill, which is known to this committee as H. R. 13477, has been drafted after a thorough and exhaustive consideration of all the conditions which have proved the absolute inadequacy of the present law, which the measure in question is designed to amend.

Secretary Moseley, of the Interstate Commerce Commission, in a letter addressed to me several months since, in reply to an open letter previously addressed to Chairman Knapp and published in the Journal of the Switchmen's Union, made the following statement:

The safety-appliance law was enacted primarily for the protection of employees in the train service of railroads, and in its administration of this law the Commission has earnestly endeavored to procure for employees the largest possible measure of safety.

Further on Mr. Moseley makes another statement, which is as follows:

It is doubtless true that there are deficiencies in the construction of the present style of automatic couplers, which, under certain conditions, make it impossible for these devices to be operated in conformity with the requirements of the statute.

In the face of these two clearly defined declarations, coming as they do from the secretary of the Interstate Commerce Commission, one of two things is self-evident; either the safety-appliance act, as it now reads, is a failure when it comes to securing the end for which it was enacted, or, as a mechanical contrivance, the coupling devices now in general use do not comply with the provisions of the statute. My contention before this honorable body is, that the latter cause is the case, if the two terms, "coupling by impact" and "shall apply in all cases, whether or not the couplers brought together are of the same kind, make, or type," mean anything in determining the function of the coupling devices in use and their requirements in service.

At this point it might be well for me to give you some information bearing on the safety-appliance act when it was pending in its incipient stage before the Fifty-sixth Congress. In the month of November, 1891, a committee, previously appointed at the annual Railroad Commissioners' Convention, held a meeting in the city of New York, where a delegation of the Switchmen's Mutual Aid Association was heard on the subject of safety-appliance legislation. At that time there was a bill pending in the House of Representatives known as H. R. 7512. This measure, among its general provisions, specified that within the prescribed time (which I think was five years) all cars used in moving interstate traffic should be equipped with automatic couplers of the Master Car Builders' type. The switchmen who constituted the delegation in question were unequivocally instructed to oppose the passage of the pending measure in that form. Synopsis of the testimony, with the protests of the switchmen, is as follows:

Frank Sweeney, grand master of the Switchmen's Mutual Aid Association, on this occasion representing the Federated Order of Railway Employees, testified as follows:

I desire to say that I represent the Federated Order of Railway Employees, and have come here to-day by request of this committee (the committee on safety appliance) to give what information I can on the drawbar question. I also wish to say that there is present a committee of practical switchmen, who are no doubt qualified to speak on this matter. Now, then, Mr. President and gentlemen, I do not wish to be understood as representing any particular draft iron or drawbar. I will say, however, that I do consider that the draft irons now in use are an imposition on the switchmen; in fact, by introducing so many draft irons the duties of the switchmen have been made extremely hazardous. Their occupation, before these many devices were introduced, was dangerous enough, but now, as I said before, it is extremely hazardous, and as a consequence the switchmen are the victims of accidents, day after day, over which they have no control.

Mr. MANN. What are those irons?

Mr. CASSIDY. We used to call them draft irons or drawbars—that is, the couplers. We call them draft irons or brawbars.

Years ago men could educate themselves so as to avoid a great many by experience, but now it is quite different. It is an impossibility to switch cars without something new presenting itself.

Commissioner CROKER. Mr. Sweeney, are you in favor of any legislation on this subject; I mean legislation by Congress?

Mr. SWEENEY. I am in favor of this, that there should be a uniformity in the height of drawbars, and there should be some steps taken, whether through legislation or otherwise, that would have a direct bearing on this subject.

Commissioner KING. Do switchmen have special charge of coupling the cars?

Mr. SWEENEY. Yes, sir; a switchman's duty is coupling and uncoupling cars from the moment he begins to work until he quits; in fact, they have more experience in that business than any other class of employees in the service.

Testimony of D. D. Sweeney:

Mr. SWEENEY. As a switchman, I consider the link and pin more favorable to our business. It is a well-known fact that the new ones (M. C. B. type of coupler) are all right when they are on a straight line; then we can couple them, but as soon as they get on a curve or a bad piece of track we can not couple them.

Commissioner KING. Do you mean to say that you can take two couplers of the Master Car Builders' type, in perfect order, and on any ordinary curve you have about a station, on switches, etc., if they are on a curve that they will not couple?

Mr. SWEENEY. Nine times out of ten, sir, they will not, because there is not play enough to allow them to couple.

Testimony of Samuel Heberling (now international first vice-president of the Switchmen's Union of North America):

Mr. HEBERLING. Mr. President and gentlemen, for the last five years I have followed switching strictly for a living; I have made a study of the business, and I am working for a terminal transfer line. We exchange cars from one railroad to another and do a general transfer business. We handle all the cars that are handled by the western roads, and we meet with cars from all parts of the United States and Canada; therefore it gives us an opportunity to come in contact with the various appliances connected with those different cars. What we want is a uniform type. In regard to these patent couplers, I am not particular what bar is adopted so we have a uniform bar of some kind. When the rain and snow are falling in the night and you have only a lamp to show you the surroundings, in coupling cars, I tell you these different appliances are extremely hazardous, and very much more so than if they were of the common type. Now, in regard to the different drawbars, I understand it was represented here to-day, by what I can infer from the questions submitted to some of the committee who spoke here this afternoon, that it was not necessary to go between the cars to couple or uncouple the type of coupler that the Master Car Builders, I believe, indorse. I understand that is a type of knuckle coupler on the same principle as the Janney. I want to say to you that I can take two of these cars and can throw one at the other to make a coupling, but I will tell you what the consequence will be—that both knuckles will be broken. I say that you have got to go between the cars to make them couple; you have got to put the knuckles in position, and you have got to go between the cars to uncouple them very often.

Commissioner ROGERS. There is a device by which you can cut the cars from the outside if it is kept in order, isn't there?"

Mr. HEBERLING. There is a device by which you can cut the cars from the outside if it is kept in order, but I have failed to see a device that would adjust the knuckle. Here is what I would like to see for the benefit of those who have to risk their lives in this dangerous employment, a uniform coupler of some kind, whatever this committee deems the best coupler in their judgment after hearing all the arguments submitted to them, a uniform coupler of some kind, and of uniform height, and if we had that I tell you it would save the lives of many men. But here, at the present time, we have new appliances thrust upon us that make it a very dangerous thing to do the coupling.

Mr. ESCH. You are reading now the testimony that was presented to the Industrial Commission, are you not?

Mr. CASSIDY. In 1891; yes, sir.

Mr. ESCH. Some seven years ago?

Mr. CASSIDY. Some seventeen years ago.

Mr. ESCH. Has there not been a considerable change for the better since that time; and has there not been more and more uniformity in the couplers in use, so that to-day there are not more than about eight of the standard type?

Mr. CASSIDY. I will say that since 1893, or since the operation of the safety appliance law relative to this particular question, there has been no improvement; and farther on I hope to prove it.

Mr. ESCH. But do they not have the coupling bars at the same height above the rail now since that law was passed?

Mr. CASSIDY. Yes; that is very true.

Mr. ESCH. That is an improvement.

Mr. CASSIDY. That is an improvement—yes; I will admit that.

Mr. MANN. Where was this evidence given, you say?

Mr. CASSIDY. It was given in New York in November, 1891. If I mistake not, the title of the gathering was the Railroad Commissioners' Association.

Mr. MANN. Yes; it could not have been the Industrial Commission, because that was not in existence in 1891.

Mr. ESCH. Yes; I beg your pardon—no; 1901.

Mr. MANN. It was not in existence in 1901, either.

Mr. RYAN. What association was it before?

Mr. MOSELEY. It was before a committee of the National Association of Railroad Commissioners, who were endeavoring to obtain the views of the men so that they might urge legislation upon Congress.

Mr. ESCH. My only point was that it was evidence taken some years ago; and I want to know whether there have been any improvements since that evidence was taken.

Mr. MANN. It was taken in 1891, Mr. Cassidy says.

Mr. MOSELEY. I have read you the difference in the ratio of men killed and injured.

Mr. CASSIDY. Following this hearing, when Congress reconvened, a bill was introduced which instead of having the words "automatic couplers of the master car builders' type," it had in lieu thereof the words "couplers coupling automatically by impact." This change, however, proved only a makeshift, for the railroads went ahead and equipped their cars with the master car builders' type just as if the original measure had passed and legalized the master car builders' type of coupler. The coupler against which this committee of switchmen protested in the incipiency of the safety-appliance act is the identical design which is in general use to-day.

You see when this new type of coupler was introduced of course it took an evolutionary process to equip the cars. They could not all be equipped in one day. Consequently the old link and pin would come in contact with the new design. You would have to use a link and pin to couple onto the automatic coupler, which increased the danger, and that is what this has reference to.

It was contended by the advocates of the master car builders' type of coupler that the dangers developed concerning this coupler, at the time of the convention referred to above, were solely on account of having to couple this device with the link and pin, and that when the transition period from the old to the new design was consummated

the dangers above enumerated would disappear. Not only has that contention proved absolutely false, but the record of deaths and injuries incidental to switching and handling cars have been and are now so persistently on the increase that unless these devices are eliminated from service the work of the switchmen will involve such dangers compared with which enlistment in the Army, engaged in perpetual war, would prove a haven of refuge. In other words, if the switchmen of the next four years are required to go ahead and perform the duties devolving on them, as the increasing requirements of service become more and more exacting and no improvement is made in the present coupling designs, the records of their perpetual slaughtering and maiming will read like a daily massacre.

Before I proceed further with the casualty record to switchmen and other railway employees I will give you an outline of the present attitude of the master car builders themselves toward the general design of the coupler now in use.

Here is a man that gives the severest indictment that has ever been penned against the coupler that is now in use—P. Leads, who is now dead, who was unfortunately murdered by an employee of the Louisville and Nashville.

Mr. ESCH. What position did he hold?

Mr. CASSIDY. He was superintendent of motive power of the Louisville and Nashville Railroad Company, if I mistake not. Am I correct there, Brother Moseley?

Mr. MOSELEY. Yes.

Mr. CASSIDY. As long ago as 1898, P. Leads, superintendent of machinery for the Louisville and Nashville Railroad, read a paper on "coupler defects" before the Central Association of Railroad Officers, in which he propounded the following question:

Does the present style of vertical-plane coupler meet with all requirements? Has it come to stay?

You see it is a dual question. Following this compound query he made this emphatic averment:

A concise statement of my opinion would be an emphatic negative to the first question and an equally emphatic affirmative to the last, and what are you going to do about it?

Then follows this most remarkable statement by the gentleman in question:

It seems to me scarcely credible, or creditable, that the adoption of this device should have resulted from a careful investigation of the conditions and requirements of service, which are: First, that the concussion should be evenly and squarely met on a central line; second, that the pulling strain should be on a central line to avoid all tendency to crowd the flanges against the rail; third, that the connection should be so flexible that there should be no unnecessary friction at any time, or difficulty in coupling on any practical curve; fourth, that the device should be capable of having its strength increased to meet future requirements of heavier motive power; fifth, that it should be always operative; sixth, that there should be as great uniformity as there is in the link and pin. In my opinion—

The writer continued—

the present style of vertical-plane coupler contains none of these essentials.

You will note the fact, gentlemen, that the paper, from which the above extracts are taken, was read two years before the railroads had completed the equipment of their entire service with the M. C. B. type of coupler. The six "essentials," which Mr. Leads proclaimed are lacking in the present coupler, are in direct line with what the switchmen of to-day realize as absolutely necessary to make an automatic coupler perfect, and give them immunity from the dangers now attendant upon their duties, and causing the yearly decimation of their numbers.

To what extent the averments of Mr. Leads has been corroborated by a review of coupler defects in more recent years, I will next endeavor to show you. At the master car builders' convention, 1901, there was a recital of experiments, which some of the master car builders made to determine the defects and inherent limitations of the couplers in general use.

At said convention, R. P. C. Sanderson made the following statement:

> At a small repair yard I was watching a 16 by 24 switch engine pull a single side-dump car off the rip track, that had just had a new coupler put in, and that coupler was pulled in two; the material was good; it was not broken by the tension strain, but the head was wrenched off.

Following this was a narration by C. A. Schroyer, which was as follows (Mr. Schroyer was an officer under Mr. Sanderson):

> In regard to the point brought forward by Mr. Sanderson, we took up that question, and determined the pressure occasioned by the lateral motion of cars rounding curves between long and short cars, and found that the side motion of these cars produce pressures sidewise of from 3,000 to 47,000 pounds on the couplers on our largest cars. That was done by making the carrier iron wider than the ordinary carrier iron and filling up the space between the stem of the bar and the carrier iron with a lead block, and found the impression in the lead block was five-sixteenths of an inch. We afterwards put the mate under the compression machine, and found it required 57,000 pounds to compress the block to the same extent it had been compressed on the car. We realize the importance of giving our cars some lateral motion.

Mr. Sanderson, in reply to Mr. Schroyer's recital of his experiment, remarked—

> There must be a change in the design of the present coupler. Their continuation means worn rails, bursted draft gear, split draft timbers, damaged carrier irons, worn flanges, and increased tractive resistance to trains.

You, gentlemen, will note the fact that the experiments and their results as here detailed were made more than six years ago. The discovery and report of such disastrous consequences, incidental to the continuance of the design of coupler involved in the above discussion, should have, from a common sense standpoint, resulted in an organized effort on the part of the master car builders to retire from service by the substitution of a coupling device that would be more in conformity to the requirements of service. No such action, however, has been taken.

At the last master car builders' convention at Atlantic City, in June of last year (at which Brother Moseley was present), a review of "coupler defects" developed the same series of experiments, with practically the same results.

Among other things, Mr. Brazier, of the New York Central, made the following statement:

> We averaged during the last thirty days, or up to the time I came to the convention, 2,492 broken couplers on the New York Central.

Considering the excellent condition in which the New York Central's tracks are kept, and gauging the total number of breakages of couplers by the number broken on the New York Central in thirty days' time, and that during the most favorable period of the year, the conclusion is inevitable that the total number of broken couplers per year in the United States must reach the enormous aggregate of 250,000. Doubtless it is considerably more when all conditions of weather and trackage are taken into consideration.

The CHAIRMAN. May I interrupt you there?

Mr. CASSIDY. Yes, sir.

The CHAIRMAN. Is not that largely owing to the attempt to run the very large trains that are being run?

Mr. CASSIDY. Why, no, sir. I will endeavor to show you that it is on account of the strain and the lateral motion of the cars in rounding curves, and such things as that; and possibly, as you have suggested, the length of the train may have something to do in breaking the drawbar at times.

The CHAIRMAN. Is there any perceptible difference in the size of the coupler now used and that used, say, fifteen years ago?

Mr. CASSIDY. There is some appreciable difference. Certainly the drawbar must be made heavier to conform to the heavier car that is now in use.

The CHAIRMAN. That has been done, has it?

Mr. CASSIDY. That has been done; yes.

Mr. KENNEDY. The lateral strain you speak of could be obviated by taking the short, violent curves out of the roads, tracks, and switches, could it not?

Mr. CASSIDY. Why, that certainly would be one way of doing it.

Mr. KENNEDY. Is that not the right way to do it?

Mr. CASSIDY. I think there is a more feasible plan.

Mr. KENNEDY. That coupler works magnificently on a straight track?

Mr. CASSIDY. It will work all right on a straight track; yes, sir.

Mr. KENNEDY. Do you not know that the railroads are trying to and ought to take these short curves out of their tracks and sidetracks?

Mr. CASSIDY. There are places where it is physically impossible to alter them.

Mr. KENNEDY. The danger and hazard of coupling a car on a short curve is very much magnified with any coupler that might be devised, is it not?

Mr. CASSIDY. The element of danger?

Mr. KENNEDY. The element of danger to a man going between the ends of the cars on a curve.

Mr. CASSIDY. The element of danger there, you say, is greatly accentuated?

Mr. KENNEDY. By the curve?

Mr. CASSIDY. On the curve—undoubtedly so; yes.

Mr. KENNEDY. Those couplers will work all right on a curve if it is not too great, unusually great?

Mr. CASSIDY. Yes.

Mr. KENNEDY. Ought not the railroads, therefore, to correct that by taking those curves out?

Mr. CASSIDY. There are a great many things that the railroads ought to do, and which, from a common-sense point of view, it seems absolutely incredible that they do not do.

Mr. KENNEDY. But suppose we make them obey this law by keeping these couplers on, and they break a great many of them? They break in this way, as I understand you: The coupler has not much side motion to it?

Mr. CASSIDY. Lateral motion—yes.

Mr. KENNEDY. Then when you come to a short curve——

Mr. CASSIDY. They yank off.

Mr. KENNEDY. It is the breaking strain that breaks your coupler, and not the pulling strain?

Mr. CASSIDY. They yank off, and if they do not yank off there is a wear on the rail; there is a wear on the flange. It makes a sharp flange, which causes derailments. We do not know how many derailments may be attributed to this very significant fact—the rigidity of that coupler. If there is a coupler in existence, or one that can be devised, that has not that element of rigidity in it, that coupler undoubtedly would be a better coupler than the rigid coupler.

Mr. KENNEDY. Yes. It takes the combination of two causes to make your derailment, does it not—the short, violent curve, and the rigid coupler?

Mr. CASSIDY. Yes, sir.

Mr. KENNEDY. The correction of either one would obviate your derailment?

Mr. CASSIDY. Yes; but it seems that the taking out of the curve would be the longer route. It seems that that would be the longer route.

Mr. KENNEDY. The question comes up to us as to whether or not this coupler is not much the safer if the railroads would have the curves taken out of their tracks.

Mr. CASSIDY. But I will tell you, my friend, that it is absolutely impossible to take the curves out in switching yards, and that the switchmen of this country are the men that are subject to the danger that is here cited. You must have curves around your industrial plants and around your manufactories. You can not operate a switching yard on the theory that you have adduced.

Mr. KENNEDY. Understand, though, that the coupling is not necessarily made on the curve. The curve comes when your switch comes off the main track. You are supposed to take your car up and do your coupling on the straight part of the switch and not on the curve. There is no necessity of a curve except where you come off the main track. These switches might be made straight from that on, might they not?

Mr. ESCH. But you have to couple on all parts of the track, do you not?

Mr. CASSIDY. I have railroaded for twenty-five years, my friend, and speak with practical knowledge relative to this proposition; and, as you say, if you have to make a coupling on a curve it is physically impossible to do it now if the curve is at all sharp. But I will tell you what you have to do. You have either to shove off that curve, off the point tangent, or you have to change off and pull the other way to the point tangent, before you can make the coupling. That is what you have to do. The fact of the matter is

that it is absolutely impossible to make couplings on these curves; and what we want and would like to have is a drawbar, if there is such a one, that will couple under those conditions. That is what the switchmen of this country are contending for. They are the people that are subject to the dangers here described. Of course the people on the road are not so much subject to it. The trainmen, the freight men, and the conductors are not so subject to the danger here enumerated as the men that are continually coupling and uncoupling the cars, and making up and breaking up the trains in these great switching centers throughout the length and breadth of this land. And for that reason the switchmen are, from a selfish standpoint if you wish, more deeply interested in this problem than any other railroad employee is.

Mr. RICHARDSON. When were these defective appliances that you have been describing first put in use?

Mr. CASSIDY. That is at the pleasure of the company.

Mr. RICHARDSON. When were they first put in use?

Mr. CASSIDY. 1898, I think, was the last "day of grace" that was given the companies—1898—almost ten years ago.

Mr. RICHARDSON. What influences were exerted then to get them adopted?

Mr. CASSIDY. It took legislative means.

Mr. RICHARDSON. I understand that. Who was here advocating them?

Mr. CASSIDY. I remember not who was here advocating the passage of them. I do not know—probably the Brotherhood of Railway Trainmen; were they, Mr. Fuller? Did they advocate the passage of the safety-appliance law?

Mr. FULLER. Yes; I will say they did, Mr. Chairman.

Mr. RYAN. All the affiliated organizations of railroad employees but the switchmen; I believe they were not heard in connection with the matter.

Mr. MOSELEY. I beg your pardon; I will correct you, for I happen to know about that. They were down here, and down here several times, and they advocated the passage of the original law. It is only fair to them to say that.

Mr. HARPER. You are speaking of the switchmen?

Mr. MOSELEY. Yes. John Downey was one of them; I think Frank Sweeney was another.

Mr. RYAN. Were they before this committee?

Mr. MOSELEY. Yes; certainly.

Mr. RYAN. I did not remember it.

Mr. ESCH. Is not a large amount of the breaking of these couplings due to the use of air on the train; less than 50 per cent, for instance, causing buckling and all that sort of thing?

Mr. CASSIDY. That is a matter of conjecture. You have nothing on which to base an intelligent deduction. That is all merely guesswork. Undoubtedly the handling of air has something to do with the wear on the brake and the drawbars, etc.

Mr. ESCH. Resulting in breaking them right apart by the sudden application of air, for instance, where you only have a small percentage of your cars furnished with the air brake. The rest of your train, the rear of your train, comes up in contact with the forward portion of it, which is stopped by the application of the air.

Mr. CASSIDY. Yes.

Mr. ESCH. I see you ask for 75 per cent of cars equipped with air brakes in your bill, which I think is a wise provision, and would lesson the tendency to breaking.

Mr. CASSIDY. I do not want you to lose sight of the fact that my object in appearing before you is not simply from an economic standpoint. That should devolve upon the railways; and it seems rather absurd for a man of my humble calling to pass any criticism upon the management of railways from an economic standpoint. But what I would like to bring about is to exterminate or to obliterate this element of danger relative to the coupling and uncoupling of cars and relative to derailments. It is the life and limb of the railroad men that I am appearing for.

If the railways from an economic standpoint have not sense enough to adopt measures whereby their exchequer will be materially enhanced, it is not for me to advocate anything of that kind; but what I wish to bring about through legislation is the elimination of this element of danger relative to the coupling and uncoupling of cars.

Mr. HUBBARD. Mr. Cassidy, would this be a convenient point at which to suggest the remedy you may have in mind?

Mr. CASSIDY. I will preface what I have to say by this: It has been charged, and it has come to me indirectly, that I am advocating the passage of this law in behalf of a special design, or a particular design. I want to make as emphatic a denial of that statement as it is possible for me to make. If by the passage of this piece of legislation you were to give a monopoly to any particular design, I would withdraw right now and ask you gentlemen not to consider it.

Mr. HUBBARD. I have not heard of the statement to which you refer at all; and supposing that from the consideration you have given this matter you have at least some general method to suggest that may help this condition of affairs, I wish to ask you for it.

Mr. CASSIDY. Yes; I have in mind a coupler that is in use at the present time on between 80 and 90 per cent of the passenger cars in this country—the flexible drawbar. If it is good for the passenger service, it is good for the freight service, and it is good for the yards. But it costs money to equip cars, and human life is a cheap commodity in the United States.

All this bill asks, gentlemen, is to clothe the Interstate Commerce Commission with power in this matter. Give it to the Interstate Commerce Commission, and we are satisfied with what the verdict of that Commission will be. Give them power to hold a public test and from that test to pick out the design that comes nearest giving the greatest degree of efficiency and meeting all physical requirements. That is all we ask; that is all we want. We are not here to advocate any particular design of coupler. If you leave it to the Commission we know the matter will be well taken care of. If there is a coupler manufactured in St. Louis or any other place that is a better coupler than the present one, and would be an improvement on it, why not adopt it? If you should restrict our Navy and our Army to the old Enfield rifle or the Winchester rifle, what would be thought about it?

People will say that this bill would put the Commission in a position to pick out and standardize one particular device to the detriment of other manufacturers. If these other manufacturers are manufacturing an implement and making money at the expense of

the life and limb of the railway employees of this country, they ought to be wiped out of existence. That is what I contend. Let the Commission be a board to pass upon this instrument, the same as in our Navy and our Army. They pick out the most up-to-date weapons for our soldiers and for our sailors. God knows that we are engaged in a perpetual warfare. The records of the Interstate Commerce Commission will show you the statistics of last year. There were over 80,000 men maimed, crippled, and killed in the United States—80,000! It is eighteen times as safe to ride in Great Britain to-day as it is in the United States, and the density of traffic is five times as great in Great Britain as it is here.

Mr. ESCH. How do you mean five times as great, Mr. Cassidy?

Mr. CASSIDY. I may be mistaken there; I think perhaps it is three times.

Mr. ESCH. I think it is not quite twice as great.

Mr. CASSIDY. I think that last year we carried 800,000,000 passengers.

Mr. ESCH. Yes.

Mr. CASSIDY. And I think Great Britain carried almost 2,000,000,000, or somewhere between 1,500,000,000 and 2,000,000,000; in that neighborhood, anyhow.

Mr. ESCH. That is right.

Mr. CASSIDY. Yes. There are only 21,000 miles of track in Great Britain, and we have 289,000 miles of track here. That is, they carry all these passengers on one-ninth the trackage. Now, multiply 9 by 2—we will say it is twice—and that makes it eighteen times as safe to travel in Great Britain as in the United States, where the density of traffic is so much greater, and the hazard, the element of danger, must be also greater.

Mr. KENNEDY. Have you prepared some data that you are ready to submit showing the casualties to switchmen and others engaged in the making up and breaking of trains owing to defective couplers?

Mr. CASSIDY. No; the only data that we have is taken from the Interstate Commerce Commission's reports, which are reliable. But in classifying switchmen and trainmen there is no distinction made. The Interstate Commerce Commission makes no distinction between a man engaged in yard service and one on the road.

Mr. HUBBARD. Does their report show separately accidents occurring in coupling?

Mr. CASSIDY. Yes; it does.

Mr. HUBBARD. Whether done by trainmen or switchmen?

Mr. CASSIDY. Yes; the trainmen in yard service.

Mr. HUBBARD. Have you like statistics from Great Britain with which you have just instituted a comparison?

Mr. CASSIDY. I have them, but I do not know whether I have them with me or not—whether they are embodied in this or not. I have them, however, in an editorial in our journal, which I will submit.

Mr. HUBBARD. We should be glad to have it.

The CHAIRMAN. Do they use the automatic coupler in Great Britain?

Mr. CASSIDY. They undoubtedly do.

The CHAIRMAN. I think you are mistaken. I saw last summer a great many men going in between the cars on passenger trains to make the link coupling.

Mr. CASSIDY. Well, you ought to know. You were there, and I have never been there.

The CHAIRMAN. I saw it often. I do not know but what they have some automatic couplers; but I know that I saw that frequently, and wondered at the want of up-to-date methods.

Mr. CASSIDY. Well, Mr. Chairman, I believe your statement will bear me out in my contention against the evil of the rigid drawbar. You can understand the flexibility with which the link and pin will move, can you not?

The CHAIRMAN. Yes.

Mr. CASSIDY. The flexible element is right there, while the danger in coupling is also there; and that is the danger that Congress has passed laws to obviate. But the link and pin, you know, is as flexible as a chain.

The CHAIRMAN. You spoke a moment ago about the practically satisfactory drawbar (so far as the element of flexibility is concerned) that is used now, you said, on 80 or 90 per cent of the passenger cars.

Mr. CASSIDY. Yes.

The CHAIRMAN. And you also said that the reason why it is not used on freight cars is probably because of the expense. What would be the difference in the expense of such a coupler that is flexible, one that apparently has your approval, and the ordinary one that is used on the freight cars?

Mr. CASSIDY. I am not in a position to answer that question intelligently, because I do not know the cost of these implements; but it appears to me that there would be no very great or material difference. But where the railway companies would perhaps be put to trouble would be in answering or complying with the law if it was made mandatory upon their part to get busy and do this work right away. It would result in the employment of a great many men, and probably they would be hurried up in their work. That might inconvenience them.

The CHAIRMAN. Can the one that meets your approval be readily applied to the ordinary freight car?

Mr. CASSIDY. It certainly can; yes. Now, I have no particular type. I have worked with this drawbar in passenger traffic; I have done considerable work in making up passenger trains in my time, up to six years ago. In fact for several years I had charge of a coal engine that did nothing but make up passenger trains, and I worked with those drawbars. That drawbar, I understand, is not patented, so that I can not be accused of appearing here in behalf of a certain type of drawbar.

The CHAIRMAN. But you can not give us any idea of the increased expense that would result from the universal use of such a drawbar?

Mr. CASSIDY. No; I can not; and, Mr. Chairman, I would add that it seems to me, from a humanitarian standpoint, that that should be an after consideration. If there is an implement in existence that will minimize the danger that is spoken of, I do not think the cost ought to stand in the way.

The CHAIRMAN. No; but you know that that will be used as an objection on the part of some parties, and I wanted to get an idea of how serious and how real that objection would be in the item of increased cost. You will remember that when the legislation to require the use of the automatic brake was under consideration we

were told that the expense of applying it to a car already in use was very much greater than that of putting it on a new car. I think that some gentlemen said that there was a difference of $75 between the cost of applying it to one now in use and adapting a new car to it.

Mr. KENNEDY. Your paper recited an experiment made with lead to show the lateral strain. I am curious to know where that lead block was placed.

Mr. CASSIDY. I do not know whether I can illustrate or not. We will say, for instance, that this is the end of the car, and we will suppose this to be the center of the car. Those, you understand, are the carrier irons. They are supporting or holding up the drawbar.

Mr. KENNEDY. Yes.

Mr. CASSIDY. In that experiment they widened these carrier irons a little bit here; they put them out this way; and between the drawbar and the carrier iron they inserted a leaden or metallic block. They put one on this side, on the outside of the curve, and one on the inside. The one on the inside, of course, was the one that had the five-sixteenths impression or depression in it. They took its mate on this side and put it under this machine, and it took 57,000 pounds for it to make the depression on it that was made on this light car. You remember, it was a light dump car coming off the rip track with a new drawbar, and it was wrenched off, so Mr. Shroyer tells us.

Mr. KENNEDY. I would criticise that experiment a little as leading to erroneous results, for the reason that the indentation on the block was made when the car was in motion. It had a little jam and a little pound, so that you probably would not get the result that you would otherwise. But what I wanted to call your attention to was this: Of course the automatic drawhead has to be held right in the center of the car or it would not couple automatically with another.

Mr. CASSIDY. It must be in alignment; yes.

Mr. KENNEDY. So that the drawheads must be held right in the center of the car.

Mr. CASSIDY. Yes.

Mr. KENNEDY. And that is one of the reasons why this coupler is so rigid, is it not?

Mr. CASSIDY. Yes.

Mr. KENNEDY. If the drawbar could move like that [indicating], your coupler would not be rigid.

Mr. CASSIDY. Yes; but the element of danger would be increased, I will say, twofold, anyhow, if you gave it too much lateral motion there, because it would necessitate men going in with either their hands or their feet to adjust it in alignment. They would get out of alignment if they were given too much lateral play.

Mr. KENNEDY. If they could be held for coupling purposes in exactly the center of the car by some sort of a spring back here, that would allow them to have the requisite play under pressure. That would work, would it not, and be flexible?

Mr. CASSIDY. I presume so. If the stem of that drawbar, you say, was working on a hinge, as it were—is that what you are driving at?

Mr. KENNEDY. Yes; like the old-fashioned drawbars.

Mr. CASSIDY. If it worked on a hinge or a pivot it would be absolutely flexible.

Mr. KENNEDY. And it could be held in place for coupling purposes by a spring from either side.

(The committee thereupon took a recess until 1.30 o'clock p. m.)

AFTER RECESS.

STATEMENT OF FRANK M. CASSIDY, ESQ.—Continued.

(At the expiration of the recess the committee resumed its session.)

The CHAIRMAN. You may proceed, if you please, Mr. Cassidy.

Mr. CASSIDY. Mr. Chairman, I will be just as brief as possible now, and hurry over the remainder of my statement quickly.

I will preface my remarks this afternoon by this statement: I want to impress upon the committee the fact that the bill that has been introduced in this Congress at my solicitation does not seek to destroy any legislation heretofore existent. I believe I tried to make myself clear this morning on the point that all that I, as a representative of the switchmen's union, desire is that Congress shall clothe the Interstate Commerce Commission with discretionary power to pass upon the efficiency of the implements that are in universal use on the railways of this country. In a nutshell, that is all we are striving for. We are willing to rest our case with the Interstate Commerce Commission; but we would like Congress to give them power whereby they can pick out the most efficient instrument.

One of the main features of the discussion of coupler defects at the last master car builders' convention was the trouble of the uncoupling lever, or release rod, now in general use.

Mr. Schroyer testified on this point as follows:

> The amount of backward and forward motion of the drawbar considerably affects the trouble we are now having with broken links and clevises of our uncoupling apparatus. The bent uncoupling rod is due largely to that. The use of any uncoupling apparatus that will do away with the trouble will be an excellent thing for us to have.

I want to say here that the uncoupling levers which are now being used have proved the most unreliable feature of the present coupler mechanism.

I will next touch upon some of the suggestions made at the last master car builders' convention as a remedy for the evils developed in the rigid coupler. On this point T. H. Russon spoke as follows:

> The time will come, if it is not here now, when we must have more lateral movement for our couplers.

That is what I am contending for now—that we must have a flexible coupler. This man, one of the members of the Master Car Builders' Association, says that the time is here right now when we must have more lateral movement for our couplers.

> When on a curve the train man can not uncouple a car, from the fact that the coupler is gripped so tightly by the binding he is forced to move the train to uncouple.

That is the absolute truth.

> On our large journal axles the collars are wearing more rapidly than the journal reduces in diameter, and in a short time we will be scraping axles, due to the wear of the collar on the journal. If there is more lateral movement in our couplers that will be reduced; also the wheel flanges will be considerably helped by more lateral movement of the coupler.

R. L. Kliene, on the same subject, spoke as follows:

In regard to the additional side motion the committee recommended not less than 2½ inches side clearance. This seems to be about the maximum side clearance at which the couplers will mate. If you get more than 2½ inches side clearance and the car is somewhat off center, then the point of the knuckle will strike on the guard arm. With an increased side limit it will be necessary to bring the coupler back to the central position of the car, and we will have to guard against that.

If this gentleman's ideas were carried out, it would increase or enhance the danger connected with coupling right now, because there would be such a divergence in alignment that men would be constantly and continually compelled to go in to make this alignment, either with hand or foot. To-day, in many of these great switching centers, we see men with their feet off. They lose their feet coupling cars now where they use to lose their hands years ago. They get up and shove the drawbar over to make the alignment, and it has gotten to be a matter of habit with them. Lots of times it is unnecessarily done; but I have seen myself and know of as many as a dozen cases where people have lost their feet in trying to make alignments.

The CHAIRMAN. That is in the instances where there is too much flexibility?

Mr. CASSIDY. Yes; where there is too much side clearance or lateral movement, as it were, the couplers will get out of alignment. The man's eyesight is generally more or less illusive on certain things, and that switchman, looking up the line, sees the car coming, and he is unconsciously dictated to make an alignment, when possibly it would be all right if he would leave it alone. But he has grown into the habit of either shoving this way or pushing that way with his foot, and he thinks that he is going to get things just as they should be. That is where lots of this lateral play is in effect.

The CHAIRMAN. Let me ask you, for my own information, this question: Take one of the sharper curves on the main line of the Pennsylvania Railroad—how far would a coupler be forced to the right or left from the center line in turning that curve?

Mr. CASSIDY. That is a question that I could not answer. I will tell you this, however——

The CHAIRMAN. On the curve, say, of a switch that you are familiar with, at the point where the curve is the greatest, what will be the deflection from the center line of the coupler?

Mr. CASSIDY. If you have a long and a short car coupled together, the divergence will be somewhat greater than if you have two short cars. That is on account of the curvature. When it comes to passing upon the degrees of curvature, that is something foreign to my knowledge. I have not studied up on degrees so that I could tell you just whereabouts on this curve they will fail to couple or uncouple. But I know from actual experience, as stated in this paper, that there are places where you can neither couple nor uncouple. You can not couple on account of divergence in alignment. You can not uncouple on account of the binding, the impingement, that comes from the wheels being forced against the outside of the curve.

The CHAIRMAN. One gentleman that you quoted there said something about 2½ inches.

Mr. CASSIDY. Yes, Mr. Kliene.

The CHAIRMAN. Would that, in your judgment, be too much or too little?

Mr. CASSIDY. As I stated this morning, there are between 80 and 90 per cent of the passenger coaches of this country equipped with the flexible drawhead. I imagine that if the guard arm on the flexible drawbar is extended far enough, that will perform a function whereby these cars will couple on any curve in any of the yards.

I will call your attention to one curve in this country that is in Cincinnati, Ohio, called the Central Union depot track. They tell me that that curve has a 58-degree curve. In the case of the steel coal cars that are now being universally operated on all the roads, when you are pulling a string of them around this curve the outside wheel is raised from 4 to 5 inches off the rail, which can be proven any day that anybody wants to go to Cincinnati and go to the Central Union depot track. You pull a line of these steel coal cars around this curve, and the outside wheels are raised from 4 to 5 inches off the outside rail. The only thing that keeps the car on the rail is the inside guard rail, which holds the inside wheels upon the rail; and the outer sides of the cars are tipped up going around there. That will demonstrate practically what this rigidity means. On the wooden car you can readily understand that there is a give. There is some flexibility in wood, but there is almost absolutely none, or they are absolutely rigid, when you come to these steel cars.

If you figure along that line, and it is demonstrated what rigidity means as I have demonstrated on this track in Cincinnati, you can see what rigidity means with regard to trains that are striking a curve. We will say there is a freight train of 1,400 tons, which is not an infrequent occurrence in this country. It has gotten established a certain momentum. The moment after this train gets past the point tangent of the curve, there is the entire impact of this tonnage forcing right up on the head car; and I will tell you that if we had data you would find that the most of the derailments occur immediately after the engine, because the great weight of the train comes behind and forces the impingement of the train right up against the outside curve. If there was any flexibility there, if you were working with a chain, and the cars were coupled up with chain couplers all the way through, there would be no rigidity whatever. It would be as flexible as rubber. And that is what I contend—that the great danger to the traveling public, to the trainman, to the switchman, to the engineer, and to the fireman in the operation of these trains is the rigidity of the couplers that are in universal use to-day. If we can devise, or if somebody can devise, a flexible coupler that will eliminate this danger to life and property, I think he will be conferring a blessing upon mankind, and especially upon the men engaged in railway service in the United States.

On this question of increasing the side limit, I want to emphasize the fact, with such increase, the plan being generally adopted, the dangers to the switchmen in handling such cars in freight yards will be materially increased—I feel safe in saying twofold. It will then frequently occur that the switchman will have to go between the cars and push, with hand or foot, one or both couplers into alignment, and even hold one in alignment as the cars come together. The designers of this method of relieving the "lateral strain" have not taken into consideration the increasing element of danger to men in yard service, who have to handle these cars.

The flexible or swivel-head coupler, that is, on with head swiveled on shank, will accomplish the end sought, provided the guard arm is extended sufficiently forward, to include the lateral divergence of the respective centers of the couplers to be coupled.

The flexible-head coupler is now in extensive use on cars in passenger service, and their application to freight service is the one remedy for the evils that have been enumerated. It is the design of coupler that will stand the test prescribed in the pending measure. On the swivel-head coupler there is no specific patent, and this legislation can not be regarded as tending to give a monopoly of the coupler manufacturing business to any one concern.

Mr. ESCH. There is less curvature, then, or less pressure upon a coupler on passenger cars than on freight cars, for the reasons you have already stated?

Mr. CASSIDY. Yes, sir; yes, sir.

Mr. ESCH. Then would this coupler that is now in use in passenger cars give excessive flexibility if applied to a freight car?

Mr. CASSIDY. It would give the same flexibility to a freight car that is given to a passenger car.

Mr. ESCH. Can you make it sufficiently strong to resist the tremendous pressure in a long train, a train of 60 or 70 or 75 or 80 cars?

Mr. CASSIDY. Undoubtedly you can make it as strong as the coupler that is being operated to-day. You can make it just as strong as that. If the companies wanted to, they could even increase the strength of the couplers that are in use now.

Mr. ESCH. You say the coupler now in use works on the vertical axis, and its troubles arise because of that fact. Does the coupler that is used on the passenger trains work on a horizontal axis?

Mr. CASSIDY. It works identically the same as the coupler that is now in use, except that it has what we call a swivel or flexible head. It works just like your wrist. Do you see? It works on the same principle as your wrist, identically the same; and that is the way it would couple. There is flexibility in both joints here, and if that were a coupler you can readily understand what the flexibility would be; whereas, if it were absolutely rigid, you can imagine what it would be to bend a telegraph pole around a curve. That gives you a rough idea of what the action is when these cars are rounding a curve.

If Mr. Schroyer or Mr. Sanderson had followed their experiments with the rigid coupler, with the swivel-head coupler upon the same cars and around the same curves, instead of a 57,000 pounds registered side pressure, they would have had less than 300 pounds side pressure, without increasing the lateral play or motion of the coupler shank.

As to how much the side pressure would be, that is merely conjectural. There is no way that I have of determining what the side pressure would be with a flexible drawbar, but it appeals to me as though there would be little, if any, pressure there.

I have thus reviewed the attitude of the master car builders on the subject of coupler defects, to show this committee that the railroads are without a modicum of defense in perpetuating the use of the present design of coupler, even from an economic standpoint. Consequently their opposition to this bill (H. R. 13477), if they have any, can have no substantial grounds, unless it be the pecuniary in-

terests of the manufacturing concerns who are to-day supplying the railroads with defective designs which are causing the slaughter of the railway employees of the country by the thousands every year.

Gentlemen, I am constrained to believe no honestly intentioned man will oppose the passage of this measure, and if there be one, I imagine it will take him a long, long time trying to explain his antagonism to a bill that is so eminently fair in every particular.

Can any man with the faintest spark of humanity in his heart subscribe to the perpetuity of the astounding yearly slaughter on our railroads? I answer, "No!"

Before I leave this point I wish to call the committee's attention to an article which appeared in the Journal of the Switchmen's Union for November, 1907, under the following caption:

A PERTINENT QUESTION.

Anent the passage of an additional "safety-appliance law" by the next Congress, while there can be no possible justification or excuse for the railroads in pursuing the course (because it may be cheaper, it nevertheless is a mooted question when it comes to one of practical economy.

President Roosevelt, in his letter to the Safety-Appliance Congress which was held in this city some months since, made the following statement: "As modern civilization is constantly creating artificial dangers of life, limb, and health, it is imperative upon us to provide new safeguards against new perils. In legislation and in our use of safety devices for the protection of workmen we are far behind European peoples, and in consequence, in the United States, the casualties attendant upon peaceful industries exceed those which happen in great perpetual war. Many, even most, of these casualties are preventable, and its is supportable that we should continue a policy under which life and limb are sacrificed, because it is supposed to be cheaper tomaim and kill than to protect them."

While it can not be otherwise than plain, in fact conclusive, to every reasoning mind, that the adoption and use of the most up-to-date safety-appliance devices can be secured only under the passage and enforcement of an effective safety-appliance law, the Journal contends that the railroads, toward whom safety-appliance legislation is primarily and necessarily directed, have not even the pretext of economy to rely upon in defending their disregard of those essentials of safety while they persist in using equipment that is yearly sending thousands to untimely graves or turning them out as permanent cripples upon society. The two principal causes which are responsible for the aggregation of casualties in railway transportation are the frequency of collisions and conditions which make common the practice of going between or under the cars while the railway employee is engaged in the performance of his ordinary duties. Both of these classes of accidents, whose victims for the last year reached the enormous aggregate of about 65,000, are "preventable." At least, it is safe to assume that 75 per cent of them would be entirely avoided if the most improved designs in the lines of block-signal systems and coupling devices were in use on the railroads. onceding this to be a fact, which is incontrovertible, what would the saving from a pecuniary standpoint amount to? Under the "employers' liability act," coupled with the railroads' responsibility for accidents to their patrons, the lowest estimate in the measure of damages which must be paid this army of victims, at the low average of $2,000 per

head, would be $1,000,000. Add to this the damage done to railway equipment, which will reach at least $20,000,000, and we have the enormous sum of $120,000,000, which must come from the gross earnings of railroads as a tribute for perpetuating the defective devices now in general use.

Of course this enormous outlay for damages to person and property must be borne by the patrons of the railroads, for it is the rule of the roads to charge the settlement of damage claims and the destruction of railway equipment to "operating expenses." The next proposition to consider is the magnitude of this outlay, or, more properly speaking, waste of funds. One hundred and twenty million dollars a year is equivalent to 5 per cent interest on $2,400,000,000. With these facts before us, it is safe to assume that the amount thus lost or expended in one year—two years, at most—would be sufficient to equip every car in the United States with the most improved type of coupling device and stock every mile of railway with a perfect automatic block-signal system that would make collisions impossible. In the face of such an imposing array of facts, which no one can gainsay or dispute, the question naturally arises: Why do not the railroads see the economy of using the most improved designs of equipment and adopt them accordingly? One answer to this question can be very readily found in the fact that, so long as the railroads can show such an aggregate of "operating expenses" as will necessarily include the millions per annum paid out for damages under the present régime, so long will they be able to suppress the public clamor for "reduction of rates." Another answer, which can be made by reasonable inference, is the fact that the railway officials who contract for defective equipment in use and the manufacturing firms who supply them do not have to stand for the measure of damages incidental to their continuance. Taking all of these facts into consideration, it follows as an inevitable conclusion that economy of service (operation) cuts no figure with the railroads, at least with those who have their management (or mismanagement) in hand.

The next—and I might say the last—subject for consideration, which I submit to this honorable committee, is the present attitude of the public and the press—newspapers and periodicals in general—toward the persistent and alarming increase in railway casualties. Scarcely a week now passes without some writer's contribution to some magazine or daily newspaper, with such captions as "Alarming increase in railway casualties," "The railways' fearful contribution to death's daily harvest," "This country leads the world in railway slaughter," "Railway casualties greater than that experienced in any of our recent wars," "Railway casualties' ghastly record," and others too numerous to mention. If I were to undertake to read all of these articles, many of which have been republished in the Journal of the Switchmen's Union within the last twelve or eighteen months, it would consume this entire day in doing so. It will answer my purpose, however, to recur to but one which recently appeared in the Sunday Magazine. This magazine is published and circulated in connection with the Sunday editions of several of the largest daily papers of the country, among which are the Chicago Record-Herald and New York Tribune, and doubtless reaches millions of readers. The

article in question is from the pen of W. G. FitzGerald, and from it I take the following excerpt:

RAILROADS' TERRIBLE HARVEST.

Now, the railroad figures are perhaps the most complete and trustworthy of all, thanks to the work of the Interstate Commerce Commission. It is shown that railroading and traveling on the railroad is more than twice as dangerous as it was fifteen years ago. And if the present rate of increase continues during the next five years there will be 60,000 slaughtered and 625,000 injured. Here, then, is a vast army of victims to our industrial juggernaut now under sentence of death and to be executed by the railroads far more surely than by any State law.

The present average is about 30 killed and 250 injured every day of the year. And, as I have said, the ratio increases in spite of automatic couplings and scientific safety devices. Where 1 man in 35 was killed or injured in 1889, the figures are now 1 in 19. The roads kill 1 out of every 250 of their employees, while in Austria the figures are only 1 in 1,057. And nations like Germany, with comparatively low proportion of casualties, mark over 50 per cent of these "avoidable." The security of a railroad passenger's life on a British or German line is more than twice as great as it is here at home. In the first nineteen days of last year our systems killed outright 136 persons, and mangled 110 more. But on all of the lines of the German Empire in one year only 74 lives were lost and in France only 18. But in the same year we killed 10,046 and injured 84,155.

The figures of the railroad casualties, given out from time to time by the Interstate Commerce Commission, attract newspaper thunder and the lightning of public indignation. But constant iteration makes us grow accustomed to them. We come at length to accept with resignation this perpetual war on humanity, as President Roosevelt calls it "more bloody and persistent than any civil and international warfare recorded in history."

Perhaps, if by a miracle, all accidents could be held up for six months, and then this nation and all the world were shocked by the slaughter of a quarter of million in a single day, something might result.

Contrary to the intimation contained in this last paragraph, regarding the arousing of the public mind on this terrible and ever-growing record of railway slaughter, I want to say that a silent, thoughtful study of this question is now engaging the heads of every household in the land. The people are waking up to the enormity of this persistent increase in railway casualties. The frequent diatribes that are emanating from the press, arraigning those who may be responsible for this perpetual calendar of death, are but the echo of that righteous indignation which is now burning in the breast of every thoughtful American, and which is voiced in a general clamor for effective measures that will terminate this régime of human slaughter.

Where the power to terminate it lies, there the responsibility for its continuance must inevitably be placed. That power is to-day vested in the eighteen men who compose this august committee and in the constituency of a similar committee in the Senate of this Congress, for I have not the slightest doubt that what these two committees report on this measure to their respective legislative bodies it will be adopted by an overwhelming majority, if not by unanimous vote. The expectant eyes of millions of good citizens are now focused upon this committee and the result of its deliberations in these premises. In the two measures bearing on the safety-appliance question which are now before this committee, one requiring a more perfect design of automatic block-signal system than is now in vogue and their general adoption by the railroads, the other requiring the elimina-

tion of defective coupling designs, through a test under Government supervision, that will have the effect to raise the standard of efficiency to the requirements of service, there is comprehended that full measure of remedial legislation the enactment of which into law will have the positive effect to reduce the railway casualty record at least 75 per cent. These two measures should go hand in hand—that is, they should be made running mates and thus pass both Houses of this Congress.

Mr. RYAN. Mr. Cassidy, permit me to ask you one question: You referred this morning in your remarks to a coupler that was used now on a large number of railways in the passenger service, which coupler you said was not patented, and was a very good coupler. By what name is that known?

Mr. CASSIDY. I do not know what the name of the design is. It is the flexible drawbar. I worked with it for several years, and they have it on switching engines. The switching engine that I worked on had it connected with it. It is a flexible drawbar, and anyone can see it on any of these passenger coaches. I saw it the other day in New York.

Mr. RYAN. It is generally in use on all passenger coaches?

Mr. CASSIDY. Yes, sir; it is in general use. That is, I dare say there are 80 per cent of the passenger cars equipped with the flexible drawbar.

Mr. ESCH. Operated by a lever from the platform?

Mr. CASSIDY. To cut it off, yes—to cut the cars. It cuts from the platform.

The CHAIRMAN. Would that same device be practicable upon freight cars, manipulating it by a lever?

Mr. CASSIDY. As I said, it could be operated from the outside the same as these various devices are now, and possibly more effectively. The lever that cuts the car now is supposed to be operated from the outside, and they all are; and they are also supposed to be in working condition, but they are not. If you go into any yard in this country, I will stake my life on the assertion that on 60 per cent of the cars the lever is not in working order. The clevis is bent, probably, or the chain is disconnected, or the rod has been bent, or something; so that when you come to make a cut, if you find that the lever is inoperative, the next thing the switchman must do is to get a hand hold some place and then get in and lift up this piece of mechanism with his hand, and he must hang there until the car is separated.

In the old days, when we had the link and pin, we would reach in and get our pin and lay it up on the deadwood. We knew positively that the cut was made. But now you must hold that piece of mechanism there until the car is separated, and even with a cutting lever sometimes they get the chain too long, and you can jerk up on it and it does not raise the clevis. In that case you have, as I said before, to get in and hold it up with your hand. At other times you will get one that will operate in that particular all right, but the little fastener on the outside that holds this lever up is broken off. Consequently, you will have to hold that and run six or eight car lengths and wear your legs out or your shoes out holding that up until they part.

I thank you, Mr. Chairman.

The CHAIRMAN. Mr. Secretary, do you desire to ask any further questions?

Mr. MOSELEY. No, Mr. Chairman.

The CHAIRMAN. Does any other gentlemen desire to be heard?

Mr. FULLER. Mr. Chairman, I should like just a few moments.

Mr. ESCH. Mr. Fuller, just a moment. Mr. Cassidy, I notice in the Accident Bulletin a table showing accidents due to trains parting for the year ending June 30, 1902. According to that table, from a knuckle broken 20 trainmen were injured in that year. From a knuckle that was worn or defective, there were 10 injured. For couplers pulled out 29 were injured; but there were only 3 fatalities in all those accidents, and those were connected with the ones where couplers pulled out. Do you know whether there has been an increase of casualties from those defects since 1902?

Mr. CASSIDY. I could not say positively, but it impresses me that there has been. That seems to be very low. Is that a quarterly report or an annual report?

Mr. ESCH. It is a report of accidents due to trains parting for the year ending June 30, 1902.

Mr. CASSIDY. That is an annual report.

Mr. ESCH. It is an annual report contained in a quarterly bulletin.

Mr. CASSIDY. It seems as though there was a very small number of people injured there.

Mr. ESCH. That is what raised the question in my mind.

Mr. CASSIDY. According to the last bulletin issued by the Interstate Commerce Commission, I think—I am almost positive—that there are 81 injuries received in coupling and uncoupling. Do you know, Mr. Moseley?

Mr. MOSELEY. I do not remember; but in justice to the report I must state one thing: The railroads are in the habit of charging to coupling and uncoupling cars all accidents sustained by men engaged in that work. If the couplers do not readily work, and a man tumbles down, or something of that sort, or if he is going in to couple and slips and falls, the accident is charged to that account. Their idea is that where a man is engaged in coupling and uncoupling cars, that is his employment; and though he might be hurt by tumbling off of a car, or might have a number of things occur to him that had really nothing whatever to do with coupling, still it is charged to that account. The fact that the man is employed for that purpose in many cases leads them to charge the accident to coupling and uncoupling when it has not anything to do with it—when it is the fact that there is a pile of cinders in the yard, or they have not removed the old ties, or something of the sort, and a man tumbles down. It is a dangerous thing for men to have to run alongside cars to hold the levers up, it is true; but coupling and uncoupling cars covers a great many things besides the men going in between the cars and getting hurt. That accounts for many of the accidents.

STATEMENT OF H. R. FULLER, ESQ.

Mr. FULLER. Mr. Chairman, I hope the members of the committee will not misunderstand my position in opposing legislation, the apparent purpose of which is to require additional safety appliances for the protection of railroad employees. The organizations I represent

are most heartily in favor of any legislation that tends to decrease the number of men killed and injured on our railroads; and our efforts heretofore have been for such legislation rather than against it. But we believe mistakes can be made by honest men in their efforts to secure legislation requiring these safety appliances, and we are of the opinion that the bills you have before you, and which have been discussed, are unsatisfactory.

I speak, first, with regard to the bills introduced by Representatives Watson and Cooper, which propose to require sill steps, ladders, running boards, and grab irons. We are heartily in favor of a requirement that those appliances be put upon cars and that it be made a statutory law. But we do not think the bills are in proper form; and in view of the fact that the officers of the organization which I represent are now considering this question (they are here in Washington, and hope to be able to present a bill in the near future covering our ideas from a practical standpoint), we hope the committee will not take any action with regard to those measures at this time.

I did not know the bill on which Mr. Cassidy spoke would be brought up to-day. I have seen it before, but did not take the time to make a thorough study of it, as I did not think it would be seriously considered.

The CHAIRMAN. What is the number of it?

Mr. FULLER. No. 13477. I have run over it two or three times during this hearing, and I hope the committee will, in its good judgment, find that it is not the proper thing to pass this bill.

I wish to call attention, first, to the first paragraph of the first section. This is probably an oversight on the part of the drafters of the bill. Beginning in line 3, page 1, it reads:

That the provisions and requirements of the act known by the above title and description shall be so amended as to read as follows:

Then it goes on and makes certain requirements and provides for investigations and tests as to couplers. As I read that paragraph, it substitutes this bill for all of the safety-appliance legislation we have—for the act of 1893, as amended at two subsequent sessions of Congress. Therefore, if that be true, the passage of this bill would mean that all of the legislation we would then have upon that subject would be this bill.

Mr. RYAN. That could be easily corrected by amending this bill so as to provide that this shall not be a repeal.

Mr. FULLER. Yes; but I am simply calling attention to the language of the bill. Of course it can be fixed.

Mr. ESCH. In that connection, does not the existing law practically cover the scope of section 1, in that it gives the Commission power to raise the percentage of cars furnished with air brakes, upon a proper showing, above 50 per cent?

Mr. FULLER. I was going to touch upon that, Mr. Esch. The act which this bill would take the place of requires grab irons and requires that the height of drawbars shall be 34½ inches from the top of the rails. It requires driver brakes. It requires that trains shall be controlled by the engineer on the locomotive without the necessity of brakemen using any hand brakes for that purpose. It also has the provision in it that in the event that a man is injured as the result of the carrier's violation of any of the provisions of the act the

carrier can not plead the defense of the doctrine of assumption of risk.

All of the things I have mentioned are not required by this bill. Therefore if you were to enact this bill into law as it now reads, you would do away with the requirement for grab irons, the requirement for the height of drawbars, for driver brakes on locomotives, for the control of trains by air brakes without the necessity of men using the hand brakes, and for the right of a man to recover for injury; or, rather, it may be stated better by saying that this bill would permit the carrier to plead the doctrine of assumption of risk where it can not do so under the present law.

On page 1, in line 6, it is provided—

That from and after the passage of this act all common carriers engaged in hauling or handling interstate traffic by railroad, or that are engaged in hauling or handling traffic by railroad within the District of Columbia or the Territories—

Now, mark this language—

shall not run any train upon their line or lines without having at least 75 per cent of the cars in such train equipped with train brakes in an operative condition, and so coupled together that the engineer *can operate said brakes* without requiring men to go on the top of the cars to apply the hand brakes.

One who did not examine that language critically would think that that meant that the engineer should control the train without the use of hand brakes. But it does not require that. In the first place, it only requires 75 per cent of the cars in the train to be equipped with air brakes. We have grades in this country where every car in the train must be equipped with air brakes to enable the engineer to control its speed without the use of hand brakes. So that in those cases we would fall short by 25 per cent of the number of air brakes required to control the speed of the train. It is true that this bill says, "without requiring men to go on the top of the cars to apply the hand brakes;" but that language qualifies this, or says that they must be coupled together so that the engineer can *operate said brakes* without requiring the use of hand brakes.

Mr. RYAN. You think the word "control" should be in there," so control the train?"

Mr. FULLER. Here is the difference: The present law says that they shall have enough brakes in the train to enable the engineer, not simply to operate them, but to control its speed without requiring the trainmen to use the common hand brakes, where this says "to enable the engineer *to operate said brakes*." He might be able to operate the brakes, but still they would not control the speed of the train.

With regard to the question of couplers not coupling on these curves——

The CHAIRMAN. Is there not another question there, in view of the fact that the title of a bill is not a part of it?

Mr. FULLER. That the title of a bill is not a part of it?

The CHAIRMAN. Yes. The only reference to the acts that are to be substituted is contained in the title.

Mr. FULLER. Yes; that is true. I had not noticed that. I suppose these are oversights in the drafting of the bill, and I just wanted to call the committee's attention to them. I am not accusing those who drafted the bill of framing it for the purpose of having it have the effect which I think it would have if it were enacted into law as it now reads. I do not think they did.

I fully agree with what Mr. Cassidy has said about the necessity of doing away with these accidents which result from men being compelled to go in to couple cars on curves where they will not couple automatically. However, I differ with him as to the method. The question of what couplers would be best was seriously considered at the time the original safety-appliance law was enacted, and it is true that the master car-builders' type was mentioned in a bill at that time, but it was thought by the friends of the legislation, however, that the best way to do was to make a simple, plain provision, putting upon the carrier the obligation of requiring them to put on couplers that would couple automatically by impact. Congress passed such a bill; and it is in as plain and simple words as the English language affords; and it is not qualified as to straight lines or curves; it applies just as much on curves as on straight lines.

Mr. ADAMSON. When I used to practice law, fifteen or twenty years ago, the railroads all had a rule in their books that they would turn off a coupler if he went in between cars to couple. They gave him a long stick to couple with. Yet the fact was, as demonstrated, that if he did not go in there and couple with his hands they would turn him off sure enough. I would like to know if they have abandoned that double-rule practice.

Mr. FULLER. We had a case up here in the Supreme Court under the safety-appliance law, where a railroad company had a rule still in vogue, after this safety-appliance law went into effect, that a man should couple with a stick. They expected him to lift an 80-pound drawbar in between the cars with that stick; and they plead that as a defense, I believe, in the case.

Mr. ADAMSON. Yes; they usually introduced the rule book to show these things.

Mr. FULLER. But I do not think there are many sticks now. The stick served to lift the link, and the links are practically done away with.

The CHAIRMAN. But in practice, do the companies really expect the men to go in there and couple in between the cars?

Mr. FULLER. They expect the men to go in there and couple if the coupler is out of repair so that it can not be coupled without going in. They expect it, and it is done, and men are being killed and injured as the result of it.

Mr. RYAN. As a matter of fact, that is the only way the man can do it.

Mr. FULLER. Yes, sir; of necessity he must go in there. There have been many bills introduced here attempting to meet this situation of cars not coupling automatically on curves. In fact, I do not believe there has been a Congress since I have been representing the organizations here which did not have before it a bill of this kind.

Now coming to the coupler provision of the present law. Section 2 of the act reads:

> That on and after the 1st day of January, 1898, it shall be unlawful for any such common carrier to haul or permit to be hauled or used on its line any car used in moving interstate traffic not equipped with couplers coupling automatically by impact, and which can be uncoupled without the necessity of men going between the ends of the cars.

What more law is necessary? We think none.

My idea of how this situation should be met is simply this: It is purely a question of the enforcement of the coupler provision of the law. No one will contend that if a man is injured on a sharp curve as a result of being compelled to couple by hand because the couplers would not couple automatically he can not recover. It would not be contended that the carrier could plead the doctrine of assumption of risk in that case.

Mr. RYAN. It was recognized under the old plan that it was impossible for him to couple without going in?

Mr. FULLER. Oh, yes; but there are two penalties on the carrier for maintaining a condition of couplers whereby a man has to go in between the cars to couple. They are these:

First, that if he is injured they can not plead the doctrine of assumption of this. As I have stated, they can not do that if he is injured in one of these cases that Brother Cassidy mentioned. The other one is a penalty of $100, which is recovered in a civil suit by the Government. It is true that there are many curves upon which these cars will not couple; and I am very strongly of the opinion that they can be remedied if the law is enforced in those cases. The fact of the matter is that the railroads that maintain those conditions have not built their tracks and their buildings which they go into, their warehouses, etc., to meet the law. They rather expect the law to be stretched to meet their conditions.

The language of the law is as plain as anything possibly can be. I quoted from the original law of 1893. The law is mandatory, and in effect says that they must couple under all circumstances.

I want to quote now from section 1 of the amendment of the safety-appliance act which was passed in 1903:

> That the provisions and requirements of the act entitled, "An act to promote the safety of employees and travelers" [etc.], * * * shall be held to apply to common carriers by railroads in the Territories and the District of Columbia, and shall apply in all cases, whether or not the couplers brought together are of the same kind, make, or type.

I do not know of anything that is any plainer, I do not know of anything that is any better, to do away with these accidents, than to enforce that law.

The CHAIRMAN. There have been many successful prosecutions under that law, have there not?

Mr. FULLER. I do not know of any prosecutions as to this particular point. I do not know of any prosecutions for violations of the law where men were required to go between the cars to couple as the result of sharp curves.

The CHAIRMAN. But I am speaking of the general law.

Mr. FULLER. Oh, yes, as to the coupler provision of the law; but it is true that that provision of the law in these cases has not been enforced.

We are met with the argument that in a lot of these places the tracks were built and the warehouses in which they run were built before the law took effect. That may be true; but the law has been on the statute books for about fourteen or fifteen years, and it seems to me as though they ought to have arranged their affairs to comply with it by this time. Then, too, Mr. Chairman, I receive complaints quite often from the men I represent, in which they lay great stress upon the fact that these tracks with sharp curves, and these ware-

houses that were built, have been recently built. The question of convenience, the question of utilizing every foot of ground, the question of perhaps altering a building, has been put above the safety of these men. I agree heartily with what has been said as to doing away with that condition, but it seems to me that we have all the law that is necessary. I do not see why Congress should say, "You shall do so-and-so," and then, several years later, tell them how they shall do it. I think, as a matter of principle, that the less detail Congress goes into in a matter of legislation of this kind the better. Put a plain, simple duty, in plain language, upon the carriers, and let them arrange their conditions to comply with it.

That is all I have to say, Mr. Chairman. I thank you.

Mr. ESCH. Just a question: Since the coupler law was passed, have the number of successful types been diminishing year by year?

Mr. FULLER. Types of couplers?

Mr. ESCH. Yes. You know there were hundreds of patents.

Mr. FULLER. Yes.

Mr. ESCH. I think there were a thousand applications for coupler patents. How many acknowledged types are in practical use to-day; do you know?

Mr. FULLER. I can not say as to that. The secretary of the Interstate Commerce Commission is here, and he can probably answer that question better than I can. I would not attempt to answer it.

Mr. ESCH. But it goes to the question of a switchman coming up against a new problem almost every time he couples a car, because of the difference of the types.

Mr. FULLER. It is true that the mechanism of the different types is somewhat different, and he has to look after that. Nevertheless, if they are kept in repair, he does not have to do that. If they comply with the law, all he has to do, we might say, when he wants to couple is to arrange the coupling and let the cars come together. If he wants to uncouple, all he has to do is to stand outside and pull the lever and uncouple them.

Mr. ESCH. Then, the less the number of types the greater the safety?

Mr. FULLER. Yes, sir; that is true; I think so.

Mr. ADAMSON. The general similarity is such that the differences are readily understood, are they not?

Mr. FULLER. The contour lines are exactly the same. They have to be. They have to couple by impact.

I do not recall the type of coupler that Mr. Cassidy says is on the passenger cars, and which meets this requirement. But if there is such a coupler, it seems to me that an enforcement of the law would force the railroads to put that coupler, or one to do the same kind of work, upon their freight cars.

FURTHER STATEMENT OF E. A. MOSELEY, ESQ., SECRETARY OF THE INTERSTATE COMMERCE COMMISSION.

Mr. MOSELEY. Mr. Chairman and members of the committee, in use on the railroads of the United States to-day there is but one type of coupler, and that is known as the master car builders' coupler. That is a vertical-plane coupler. There are about twelve makes or kinds of that coupler, which vary somewhat in the mechanism; but

no coupler is received on any railroad or bought that is not claimed will couple with every other car in the United States. The Supreme Court has said, overruling the decision of the court of appeals in the eighth circuit, that it makes no difference whatever about the question of types; that while you may have a coupler which will couple with another coupler of the same character, if it does not couple with every other coupler that is brought in contact with it it is contrary to law. There were several hundred kinds and types of couplers when the original law was enacted. It has been a question of the survival of the fittest. I do not suppose there are more than eight couplers in the United States to-day that are in considerable general use. I refer to the kind of coupler—the type is all the same.

In regard to the coupler on passenger cars, it is a Janney coupler, which has a good deal of lateral play. I can not say why the railroads do not use this on their freight equipment, but I do not believe it is a question of expense. It is a problem to deal with, this rigidity of the coupler. The master car builders and railway managers are constantly brought to the absolute necessity of using a coupler which couples and in which there is little play between them—that is, no slack. This condition is absolutely necessary if trains are controlled with air. You can not use anything like the British coupler which the chairman speaks of, which is a hook and chain; and you could not use (the trains of to-day could not be operated) what it known as the old link-and-pin coupler. It could not be done, because there is too much slack there. You have got to have them closely coupled together. But to get rid of this rigidity in lateral movement is the thing which is puzzling railroad managers.

Mr. ESCH. They use air on English roads, do they not?

Mr. MOSELEY. Yes; but they do not carry the traffic as we do. They do not have the grades or anything of that sort that we do. They use a different kind of a coupler than we do. Therefore, they can not use air on freight trains as we use it in this country, because of having this slack to overcome.

Mr. ESCH. That slack in the English cars is taken up by spring buffers, is it not—two on each side of the car?

Mr. MOSELEY. Yes; they haul them up partly.

The question is this: Since the Commission has had the duty imposed upon it to enforce the safety-appliance law it has been its constant aim to enforce it in every possible way. To have carried out the demands that everybody has made upon us and prosecute every case that is called to our attention would simply have led to the result that the law would have been stripped of everything. We have had to use some discretion in regard to the matter. In these places where the curves were so severe the trains could not couple on them. In some instances they have to haul cars up by horses. In some other cases they haul them in one way or another, and they push them out or go in and take a rope and haul them out with the use of a locomotive. In other cases—take the city of Philadelphia; conditions there, long before this law was passed, were such that there were a great many places where the curves were very sharp. The tracks went into warehouses and factories employing hundreds of people; this is a pretty difficult problem to deal with, because the fact that they have rails to their factories and can get in and out means the employment of thousands of people in the city of Phila-

delphia. The Commission has been dealing with the matter all the time. We have it up now. It is not a month ago that we went over there in relation to it.

I want to state that there is no railroad in the United States that I have heard of in the last three years that has put in a curve anywhere that was too sharp for the couplers to operate on. I do not know of one, and I have heard no complaint that there was one. I know about the Pennsylvania Railroad, because the General Electric Company has been to the Interstate Commerce Commission to require the Pennsylvania Railroad to put a track into their place, and the Pennsylvania Railroad said they would not do it. They said: "We want to do it; we want to get the business, but we can not put a track in there because it would lead to a violation of the safety-appliance law. In other words, it is too great a curvature."

A series of experiments conducted by the Pennsylvania Railroad Company in October, 1907, clearly demonstrated that cars may be moved over curves of not less than 175 feet radius without the necessity for coupling or uncoupling in transit, and that automatic couplers can be operated for coupling and uncoupling on such curves without the use of so-called auxiliary couplers.

They have a printed circular stating that anybody that wants to build a factory, warehouse, etc., must take that into consideration, and we would prosecute any road that now built and used any track of that sort. We can not prosecute them for having a heavy curve, but we can prosecute them if they ever undertake to couple a car on a curve so great that the switchman has to go in between the cars to couple.

There are devices to overcome this, and some of them are praised very highly; and they are in use. Putting in a piece of iron which fits the contour lines of the coupler overcomes this difficulty in a good many cases. The Interstate Commerce Commission is fully appreciative of the condition; we have had over 2,000 violations, and we have prosecuted everything that we properly could. We have won nearly 800 suits, and out of them all we have never lost more than six, and all but one of those is up on appeal. We are doing the best we can. But there is no use in running our heads against a stone wall by the failure to use ordinary judgment in the exercise of the administrative duty imposed upon us. No statute, we confidently assert, has been better enforced or has more completely accomplished the intent of the Congress than has the safety-appliance act.

Thank you, Mr. Chairman.

The CHAIRMAN. Do any other gentlemen desire to be heard?

Mr. CASSIDY. I just wish to say another word in conclusion, Mr. Chairman.

The CHAIRMAN. Certainly, Mr. Cassidy.

FURTHER STATEMENT OF FRANK M. CASSIDY, ESQ.

Mr. CASSIDY. When a common layman goes to draft a bill, you can not expect to have all the technical knowledge and legal lore embodied in the head of such a man that you would in the case of a man that has acquired an academic polish from studying up these questions; consequently, there may be some discrepancies in the phraseology of the bill submitted.

Mr. ADAMSON. You are willing to amend them so as to make them hold water?

Mr. CASSIDY. Yes, sir; I wish to have it understood that I do not wish to destroy any part or parcel of the law as it now stands.

The CHAIRMAN. Oh, these are oversights, Mr. Cassidy, that very often occur. Almost every man in drawing a bill would know that the committee would look for defects of that kind before it came out.

Mr. CASSIDY. But I will say this—that I can not understand why Brother Fuller should be opposed or why anybody should be opposed to legislation that is striving for the betterment of conditions or that is striving for the elimination of evils that are so thoroughly apparent. At least, I hope I made apparent here this morning the fact that the element of danger that concerns all railway men, all railway employees, and the traveling public as well, is the rigidity in the coupling device that is now in universal operation. That is the element of danger that there should be some step taken to eliminate.

All I ask, all the switchmen ask, is to clothe the Interstate Commerce Commission with power (make them a committee, as it were) to pass upon the feasibility and the efficiency of the various implements.

As to harmony, you know there is no society—there is nothing—without harmony. If you destroy harmony in everything it topples over. What we want and what all the railway employees should have is that they should be so familiar with the implements that they are working with that they should know just where to place their finger, as the pianist knows just where to touch one of the keys to produce a certain note. It should be the same way with a mechanic; and we should not be working with these one hundred and one different designs. While Brother Moseley has told you that there were only five or six, I disagree with the gentleman. With all honor and due respect to our worthy secretary, he is laboring under a misapprehension when he says that there are only five or six. I can recall more than that right now; and when I was in service five years ago there were fifty. If it has gotten down to five or six, they have been making great progress toward unification or harmony or standardization, and standardization is what I wish to see brought about. When that comes about the danger incident to the switching service will be greatly minimized—you can not tell how much, but it will be minimized. For that reason I think all railway employees should favor a measure that would clothe the Interstate Commerce Commission with power to pass upon the efficiency of the implements with which the transportation business of the country is carried on.

Thank you, gentlemen.

Mr. FULLER. Mr. Chairman, I just want to ask Brother Cassidy, with the permission of the chairman and his permission, one question.

The CHAIRMAN. Proceed.

Mr. FULLER. I want to ask Brother Cassidy if he does not think that if this law was enforced literally as it reads it would compel the carriers to bring about conditions whereby the men would not have to go in between the cars to couple? Would not that result be attained if this law was enforced as it stands now on the statute books?

Mr. CASSIDY. I will answer the gentleman and say I do not believe it will, for this reason: It is beyond my comprehension why the railroads do not adopt a device of this kind through economy. I can not understand it for the life of me, when they admit it. When their own superintendents of motive power go before you in their annual convention they call specific attention to the very topic under discussion, and show the evils that exist and the damages that occur. Why, in the name of heaven, from an economic standpoint, do not the railways themselves adopt this measure? That is the question. But you know there are railway supply companies, and there are purchasing agents, and all this; and they probably do not care. They do not care much about the life of a common old switchman. They are coining dollars out of these murderous devices that are being turned out daily.

The CHAIRMAN. Are there any other gentlemen who desire to be heard? If not, the committee will stand adjourned.

(The committee thereupon adjourned until to-morrow, Friday, March 20, 1908, at 10.30 o'clock a. m.)

'08